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KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			DAZENSKI, MARC A	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,283	<b>Applicant(s)</b> GILGE, MICHAEL	
	<b>Examiner</b> MARC DAZENSKI	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7-01-2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the unlabeled rectangular boxes in figures 4, 5, and 7 should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 37-48, 64-66, and 68-72** are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu (US Patent 7,386, 872), hereinafter referred to as Shimizu.

Regarding **claim 37**, Shimizu discloses a network storage type video camera system. Further, Shimizu discloses a network storage type video camera system for storing moving image data into a server connected to a network, which reads on the claimed, “method for recording at least one of video data and audio data generated by a capturing device having a data memory,” as disclosed at column 2, lines 21-27; the method comprising:

digital video camera terminal (1) containing transmission packet buffer (142) attached via moving image transmission network (2) to a moving image storage server (3) which contains moving image data storage (33) as well as reception packet storage (34), which reads on the claimed, “connecting the data memory of the capturing device to at least one recording device that has a greater storage capacity than the data memory of the capturing device,” as disclosed at column 7, lines 18-24 and exhibited in figures 1-3; and,

divided packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, "exchanging data between the data memory of the capturing device and the at least one recording device, whereby a virtual data memory is formed for the capturing device by operational association between the data memory of the capturing device and the at least one recording device," as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

Regarding **claim 38**, Shimizu discloses everything claimed as applied above (see claim 37). Further, Shimizu discloses transmission packet buffer (142) and lost packet storage (16) being contained within digital video camera terminal (1), which reads on the claimed, "wherein the data memory of the capturing device is a local data memory," as disclosed at column 8, lines 7-11 and exhibited in figure 3.

Regarding **claim 39**, Shimizu discloses everything claimed as applied above (see claim 38). Further, Shimizu discloses moving image data storage means (33) and reception packet storage (34) being contained within moving image storage server (3), which reads on the claimed, "wherein the at least one recording device forms a central data memory," as exhibited in figure 3.

Regarding **claim 40**, Shimizu discloses everything claimed as applied above (see claim 39). Further, Shimizu discloses moving image transmission network (2) connecting digital video camera terminal (1) and moving image storage server (3), which reads on the claimed, "wherein the capturing device is interconnected with a

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digital communications network,” as disclosed at column 7, lines 40-42 and exhibited in figure 3.

Regarding **claim 41**, Shimizu discloses everything claimed as applied above (see claim 40). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 40 above.

Regarding **claim 42**, Shimizu discloses everything claimed as applied above (see claim 41). Further, Shimizu discloses divided packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, “wherein reading-out of data from the data memory of the capturing device for transmission to the at least one recording device is operationally dependent on input of new data into the data memory of the capturing device,” as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

Regarding **claim 43**, Shimizu discloses everything claimed as applied above (see claim 42). Further, Shimizu discloses transmission packet buffer (142) stores a plurality of packets, to transmit to packet transmitter (143) in FIFO order, which reads on the claimed, “wherein the new data input into the data memory of the capturing device are more current in time than the data read out from the data memory of the capturing device,” as disclosed at column 7, lines 32-37.

Regarding **claim 44**, Shimizu discloses everything claimed as applied above (see claim 42). Further, Shimizu discloses that at the same time of storing divided

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packets into transmission packet buffer (142), a copy of the transmitted packets are stored into a lost packet buffer (147), which reads on the claimed, "wherein the reading-out of data from the data memory of the capturing device for transmission includes copying of the data from the data memory of the capturing device," as disclosed at column 7, lines 32-37.

Regarding **claim 45**, Shimizu discloses everything claimed as applied above (see claim 43). Further, Shimizu discloses in moving image storage server (3), the transmitted packet is received by packet receiver (321), stored into reception packet buffer (322), and then readout in FIFO order to store into reception packet storage (34), which reads on the claimed, "wherein the data transmitted from the data memory of the capturing device are received by the at least one recording device and stored," as disclosed at column 7, lines 48-52.

Regarding **claim 46**, Shimizu discloses everything claimed as applied above (see claim 43). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 43 above.

Regarding **claim 47**, Shimizu discloses everything claimed as applied above (see claim 46). Further, Shimizu discloses a function of recording images captured by network camera terminal (1) in real time into moving image storage server (3), which reads on the claimed, "wherein the new data are input into the data memory of the capturing device at a substantially the same rate as a rate of reading out the data from the data memory of the capturing device," as disclosed at column 8, lines 40-44.

Regarding **claim 48**, Shimizu discloses everything claimed as applied above (see claim 47). Further, Shimizu discloses the digital moving image data created by a digital video camera are generated in real time and continuously, which reads on the claimed, "wherein the data are continually read out from the data memory of the capturing device," as disclosed at column 2, lines 1-3 (wherein if the data is read in continuously and the camera buffers operate on FIFO principles then the data must also be read out continuously).

Regarding **claim 64**, Shimizu discloses a network storage type video camera system. Further, Shimizu discloses digital video camera terminal (1), which reads on the claimed, "a data capturing device for at least one of video and audio data," as disclosed at column 7, lines 18-24 and exhibited in figure 3; the apparatus comprising:

lost packet storage (16), which reads on the claimed, "a data memory for storing at least one of video and audio data," as disclosed at column 8, lines 7-11 and exhibited in figure 3;

transmission protocol processor (14), which reads on the claimed, "a control device for the data memory," as exhibited in figure 3; and,

transmission and reception means (15) which is forward from packet transmitter (143) to moving image transmission network (2) and then received by transmission and reception means (31) on the side of moving image storage server (3), which reads on the claimed, "an interface unit for facilitating communication with at least one central recording device, wherein data are transmitted via the interface unit to the at least one

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central recording device,” as disclosed at column 7, lines 38-47 and exhibited in figure 3; and,

divided packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, “wherein reading-out of data from the data memory for transmission to the at least one central recording device is operationally dependent on input of new data into the data memory, whereby a virtual data memory is formed for the capturing device by operational association between the data memory and the at least one central recording device,” as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

Regarding **claim 65**, Shimizu discloses everything claimed as applied above (see claim 64). Further, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 44, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 44 above.

Regarding **claim 66**, Shimizu discloses everything claimed as applied above (see claim 65). Further, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 48, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 48 above.

Regarding **claim 68**, Shimizu discloses everything claimed as applied above (see claim 65). Further, the examiner maintains the claim is merely the corresponding

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apparatus to the method of claim 56, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 56 below.

Regarding **claim 69**, Shimizu discloses everything claimed as applied above (see claim 68). Further, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 57, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 57 below.

Regarding **claim 70**, Shimizu discloses everything claimed as applied above (see claim 69). Further, Shimizu discloses digital video camera terminal (1) comprising image input portion (11) and voice input portion (12), Which reads on the claimed, "at least one of a camera for generating the video data and a microphone for generating the audio data," as exhibited in figure 3.

Regarding **claim 71**, Shimizu discloses everything claimed as applied above (see claim 69). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 64 above.

Regarding **claim 72**, the limitations of the claim are rejected in view of the explanations set forth in claims 64, 68, and 69 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 49, 51-63, and 67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US Patent 7,386, 872), hereinafter referred to as Shimizu, in view of Kirsten (US Patent 5,724,475), hereinafter referred to as Kirsten.

Regarding **claim 49**, Shimizu discloses everything claimed as applied above (see claim 46). However, Shimizu fails to disclose wherein the data are read out from the data memory of the capturing device at specified time intervals. The examiner maintains that it was well known to include the missing limitation, as taught by Kirsten.

In a similar field of endeavor, Kirsten discloses compressed digital video reload and playback system. Further, Kirsten discloses a control algorithm which sends data to storage according to a recording fill target interval and a specified archive interval, which reads on the claimed, "wherein the data are read out from the data memory of the capturing device at specified time intervals," as disclosed at column 16, lines 5-23 and column 17, lines 38-49.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network storage type video camera system of Shimizu to include a control algorithm which sends data to storage according to a recording fill target interval and a specified archive interval, as taught by Kirsten, for the purpose of filling the storage medium in groups of predictable time periods.

Regarding **claim 51**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 49). Further, the limitations of the claim

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are rejected in view of the explanation set forth in claim 49 above (wherein "recording fill target interval" reads on the claimed, "specified threshold").

Regarding **claim 52**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 51). Further, Kirsten discloses a basic algorithm is set up simply by invoking the two parameters of fill target (equal to storage capacity) and the fill target interval to control the rate at which data is sent to storage, which reads on the claimed, "wherein the specified threshold is determined by the storage capacity of the data memory of the capturing device," as disclosed at column 17, lines 35-49 and exhibited in figure 19.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network storage type video camera system of Shimizu to include a basic algorithm is set up simply by invoking the two parameters of fill target (equal to storage capacity) and the fill target interval to control the rate at which data is sent to storage, as taught by Kirsten, for the purpose of avoiding buffer overflow in the capturing device.

Regarding **claim 53**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 52). Further, Shimizu discloses divided packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, "wherein storing of data in the data memory of the capturing device provides a buffer function for data transmission to the at least

one recording device,” as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

Regarding **claim 54**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 53). Further, Shimizu discloses the packet output from packet transmitter (143) is forwarded to moving image transmission network (2) by transmission and reception means (15), and packet receiver (321) checks the packet sequence number, and when no discontinuity is detected in the packet sequence number, it transmits the last received sequence number to a reception notification processor (148) on the digital video camera terminal (1) side, which then can confirm from the received sequence number that the packets each having an older number than this received packet is correctly received on the moving image storage server (3) side and therefore these packets are deleted from lost packet buffer (147), which reads on the claimed, “wherein the data read out from the data memory of the capturing device and successfully transmitted to the at least one recording device are deleted from the data memory of the capturing device after the successful transmission,” as disclosed at column 7, lines 35-63.

Regarding **claim 55**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 53). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 54 above.

Regarding **claim 56**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 55). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 54 above.

Regarding **claim 57**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 56). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 54 above.

Regarding **claim 58**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 54). Further, Kirsten discloses blocks of images recorded on a storage medium being placed on hold such that they will be preserved indefinitely, the designation according to factors such as date, time, and camera source, which reads on the claimed, "wherein the at least one recording device has a plurality of different storage areas that correspond to a plurality of different data recording time durations," as disclosed at column 15, lines 1-11.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include blocks of images recorded on a storage medium being placed on hold such that they will be preserved indefinitely, the designation according to factors such as date, time, and camera source, and for preserving a specific time window, as taught by Kirsten, for the purpose of making more efficient use of a central recording medium.

Regarding **claim 59**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 58). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 58 above.

Regarding **claim 60**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 58). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 58 above (wherein "camera

source" implies that there are multiple cameras, i.e. both a plurality of different capturing devices and a plurality of different capturing units).

Regarding **claim 61**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 58). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 59 above.

Regarding **claim 62**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 58). Further, Kirsten discloses a fixed-media system where older data are continually overwritten by new data, and the recording fill target interval, or time to fill the storage media once, is equal to the specified archive interval, which reads on the claimed, "wherein the data memory of the capturing device has a data storage capacity corresponding to a specified time duration of data accrual," as disclosed at column 16, lines 16-24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to a fixed-media system where older data are continually overwritten by new data, and the recording fill target interval, or time to fill the storage media once, is equal to the specified archive interval, as taught by Kirsten, for the purpose of making more efficient use of a central recording medium.

Regarding **claim 63**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 62). Further, the limitations of the claim are rejected in view of the explanation set forth in claims 58 and 62 above.

Regarding **claim 67**, Shimizu discloses everything claimed as applied above (see claim 65). Further, the examiner maintains the claim is merely the corresponding

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apparatus to the method of claim 49, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 49 above.

**Claims 50** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US Patent 7,386, 872), hereinafter referred to as Shimizu, in view of Kirsten (US Patent 5,724,475), hereinafter referred to as Kirsten, further in view of Simerly et al (US Patent 6,954,859), hereinafter referred to as Simerly.

Regarding **claim 50**, the combination of Shimizu and Kirsten discloses everything claimed as applied above (see claim 49). However, the combination fails to disclose wherein the data are read out from the data memory of the capturing device at a rate higher rate than a rate of input of the new data into the data memory of the capturing device. The examiner maintains that it was well known to include the missing limitations, as taught by Simerly.

In a similar field of endeavor, Simerly discloses networked digital security system and methods. Further, Simerly discloses customer servers (40) and camera units (50) connected to centralized administrator web server (10), wherein the recording and archival features of the customers servers (40) can also be configured via the administrator web server, and in addition the rate at which video is transmitted from a customer server to a given customer work station is also configurable, which reads on the claimed, "wherein the data are read out from the data memory of the capturing device at a rate higher rate than a rate of input of the new data into the data memory of the capturing device," as disclosed at column 8, line 52 through column 9, line 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Shimizu and Kirsten to include customer servers (40) and camera units (50) connected to centralized administrator web server (10), wherein the recording and archival features of the customers servers (40) can also be configured via the administrator web server, and in addition the rate at which video is transmitted from a customer server to a given customer work station is also configurable, as taught by Simerly, for the purpose of preventing buffer overflow errors in the memory of the capturing device.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marchese (US PgPub 2002/0003575) discloses a digital video system using networked cameras.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Marsha D. Banks-Harold/  
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